

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA, and
STATE OF NEW MEXICO, ex rel. STATE
ENGINEER,

Plaintiffs,
and

ZUNI INDIAN TRIBE, NAVAJO NATION,

Plaintiffs in Intervention,
v.

A & R PRODUCTIONS, et al.,

Defendants.

No. 01cv00072-BB/WDS

ZUNI RIVER BASIN
ADJUDICATION

Subfile No: ZRB-1-0100

ORDER GRANTING DEFAULT JUDGMENT

THIS MATTER is before the Court upon the following Motion for
Default Judgment filed by Plaintiffs United States of America (“United States”) and
State of New Mexico ex rel. State Engineer (“State”):

February 4, 2009

Motion for Default Judgment or, in the Alternative, Summary Judgment

Document No. 2095

The Court, being fully advised, finds that the Plaintiffs’ motion is well-taken and DEFAULT
JUDGMENT should be GRANTED. Upon the record, the Court finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. Each defendant named below has been legally served with process or
has waived service of summons.

3. Each defendant named below has failed to comply with the applicable
procedural and scheduling orders and to appear, answer, or otherwise defend in the

indicated subfile, and is adjudged to be in default.

4. The portions of the Zuni River Basin Adjudication Hydrographic Survey Report for Subareas 4 and 8 (July 2004, as amended), prepared by Natural Resources Consulting Engineers, Inc. under contract to the United States, relating to the water rights of each defendant named herein have been introduced into the record and the same are hereby incorporated as the evidentiary basis of the water rights described in the order.

5. The water rights of each defendant named below in the above-styled and captioned civil action are as follows:

JOANN STRICKLAND TRUST

Subfile No: ZRB-1-0100

STOCK POND

Map Label: 8A-2-SP01
Purpose of Use: LIVESTOCK
Priority date: 1/1/1940
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0
Surface Area (sq.ft): 4,960
Storage Impoundment Volume (ac-ft): 0.273

Pond Location: As shown on Hydrographic Survey Map 8A-2

S. 35 **T.** 09N **R.** 14W **1/4, 1/16, 1/64:** SE NW SW
X(ft): 2,588,005 **Y(ft):** 1,442,231

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8A-2-SP27

Purpose of Use: LIVESTOCK

Priority date: 1/1/1930

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 7,611

Storage Impoundment Volume (ac-ft): 0.315

Pond Location: As shown on Hydrographic Survey Map 8A-2

S. 35 T. 09N R. 14W 1/4, 1/16, 1/64: SW SW SW

X(ft): 2,585,362 **Y(ft):** 1,441,211

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8A-2-SP32

Purpose of Use: LIVESTOCK

Priority date: 1/1/1940

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 9,434

Storage Impoundment Volume (ac-ft): 0.260

Pond Location: As shown on Hydrographic Survey Map 8A-2

S. 35 **T.** 09N **R.** 14W **1/4, 1/16, 1/64:** NE SW NE

X(ft): 2,589,058 **Y(ft):** 1,444,161

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8A-2-SP33

Purpose of Use: LIVESTOCK

Priority date: 1/1/1940

Source of Water: Well

Point of Diversion: Fills from well 8A-2-W06 (Location X(ft): 2,589,619; Y(ft): 1,448,532);

Amount of Water:

Depth (ft): 3.5

Surface Area (sq.ft): 8,250

Storage Impoundment Volume (ac-ft): 0.398

Pond Location: As shown on Hydrographic Survey Map 8A-2

S. 26 **T.** 09N **R.** 14W **1/4, 1/16, 1/64:** SE NE NW

X(ft): 2,589,660 **Y(ft):** 1,448,584

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8A-2-SP34

Purpose of Use: LIVESTOCK

Priority date: 1/1/1940

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.5

Surface Area (sq.ft): 7,158

Storage Impoundment Volume (ac-ft): 0.246

Pond Location: As shown on Hydrographic Survey Map 8A-2

S. 26 **T.** 09N **R.** 14W **1/4, 1/16, 1/64:** NE SE SW

X(ft): 2,589,768 **Y(ft):** 1,449,007

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-1-SP17

Purpose of Use: LIVESTOCK

Priority date: 1/1/1940

Source of Water: Well

Point of Diversion: Fills from well 8B-1-W03 (Location X(ft): 2,591,396; Y(ft): 1,453,778);

Amount of Water:

Depth (ft): 6.0

Surface Area (sq.ft): 8,017

Storage Impoundment Volume (ac-ft): 0.663

Pond Location: As shown on Hydrographic Survey Map 8B-1

S. 24 **T.** 09N **R.** 14W **1/4, 1/16, 1/64:** SW NW NE

X(ft): 2,591,426 **Y(ft):** 1,453,660

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-1-SP18

Purpose of Use: LIVESTOCK

Priority date: 1/1/1940

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.5

Surface Area (sq.ft): 3,984

Storage Impoundment Volume (ac-ft): 0.082

Pond Location: As shown on Hydrographic Survey Map 8B-1

S. 24 **T.** 09N **R.** 14W **1/4, 1/16, 1/64:** NW NW SW

X(ft): 2,590,927 **Y(ft):** 1,455,446

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-1-SP19
Purpose of Use: LIVESTOCK
Priority date: 1/1/1940
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.5
Surface Area (sq.ft): 5,121
Storage Impoundment Volume (ac-ft): 0.176

Pond Location: As shown on Hydrographic Survey Map 8B-1

S. 24 **T.** 09N **R.** 14W **1/4, 1/16, 1/64:** NW NW NW

X(ft): 2,590,758 **Y(ft):** 1,456,605

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-1-SP27
Purpose of Use: LIVESTOCK
Priority date: 1/1/1940
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.5
Surface Area (sq.ft): 1,766

Storage Impoundment Volume (ac-ft): 0.036

Pond Location: As shown on Hydrographic Survey Map 8B-1

S. 20 T. 09N R. 13W 1/4, 1/16, 1/64: NW SW NW

X(ft): 2,601,386 **Y(ft):** 1,454,653

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-2-SP02

Purpose of Use: LIVESTOCK

Priority date: 1/1/1940

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0

Surface Area (sq.ft): 1,890

Storage Impoundment Volume (ac-ft): 0.104

Pond Location: As shown on Hydrographic Survey Map 8B-2

S. 30 T. 09N R. 13W 1/4, 1/16, 1/64: NW SW NE

X(ft): 2,596,478 **Y(ft):** 1,449,314

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft): 10.0

STOCK POND

Map Label: 8B-2-SP03

Purpose of Use: LIVESTOCK

Priority date: 1/1/1940

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 14,913

Storage Impoundment Volume (ac-ft): 0.411

Pond Location: As shown on Hydrographic Survey Map 8B-2

S. 30 T. 09N R. 13W 1/4, 1/16, 1/64: SW NW SE

X(ft): 2,596,639 **Y(ft):** 1,447,430

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-2-SP36

Purpose of Use: LIVESTOCK

Priority date: 1/1/1940

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.5

Surface Area (sq.ft): 1,310

Storage Impoundment Volume (ac-ft): 0.045

Pond Location: As shown on Hydrographic Survey Map 8B-2

S. 33 T. 09N R. 13W 1/4, 1/16, 1/64: NW SE SW

X(ft): 2,607,789 Y(ft): 1,443,321

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-2-SP40

Purpose of Use: LIVESTOCK

Priority date: 1/1/1940

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.5

Surface Area (sq.ft): 5,834

Storage Impoundment Volume (ac-ft): 0.281

Pond Location: As shown on Hydrographic Survey Map 8B-2

S. 33 T. 09N R. 13W 1/4, 1/16, 1/64: SE NW NW

X(ft): 2,609,435 Y(ft): 1,443,072

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-2-SP56

Purpose of Use: LIVESTOCK

Priority date: 1/1/1940

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.5

Surface Area (sq.ft): 1,256

Storage Impoundment Volume (ac-ft): 0.026

Pond Location: As shown on Hydrographic Survey Map 8B-2

S. 29 **T.** 09N **R.** 13W **1/4, 1/16, 1/64:** NW SE SW

X(ft): 2,602,516 **Y(ft):** 1,448,788

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-2-SP57

Purpose of Use: LIVESTOCK

Priority date: 1/1/1940

Source of Water: Well

Point of Diversion: Fills from well 8B-2-W03 (Location X(ft): 2,603,858;
Y(ft):1,446,586);

Amount of Water:

Depth (ft): 1.5

Surface Area (sq.ft): 3,430

Storage Impoundment Volume (ac-ft): 0.071

Pond Location: As shown on Hydrographic Survey Map 8B-2

S. 29 **T.** 09N **R.** 13W **1/4, 1/16, 1/64:** SW SE NE

X(ft): 2,603,727 **Y(ft):** 1,446,598

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-2-SP58
Purpose of Use: LIVESTOCK
Priority date: 1/1/1940
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0
Surface Area (sq.ft): 5,448
Storage Impoundment Volume (ac-ft): 0.225

Pond Location: As shown on Hydrographic Survey Map 8B-2

S. 29 **T.** 09N **R.** 13W **1/4, 1/16, 1/64:** SW SE SE

X(ft): 2,603,685 **Y(ft):** 1,446,028

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

WELL

Map Label: 8A-2-W06
OSE File No: G 1985/75
Priority Date: 12/31/1930
Purpose of Use: NON 72-12-1 LIVESTOCK WATERING

Well Location: As shown on Hydrographic Survey Map 8A-2

S. 26 **T.** 09N **R.** 14W **1/4, 1/16, 1/64:** SE NE NW

X (ft): 2,589,619 **Y (ft):** 1,448,532

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water (ac-ft per annum): 0.574

WELL

Map Label: 8B-1-W03

OSE File No: G 1976

Priority Date: 12/31/1928

Purpose of Use: NON 72-12-1 LIVESTOCK WATERING

Well Location: As shown on Hydrographic Survey Map 8B-1

S. 24 T. 09N R. 14W 1/4, 1/16, 1/64: SW NW NE

X (ft): 2,591,396 **Y (ft):** 1,453,778

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water (ac-ft per annum): 0.574

WELL

Map Label: 8B-1-W05

OSE File No: G 1974

Priority Date: 12/31/1928

Purpose of Use: NON 72-12-1 LIVESTOCK WATERING

Well Location: As shown on Hydrographic Survey Map 8B-1

S. 24 T. 09N R. 14W 1/4, 1/16, 1/64: NW SW NW

X (ft): 2,590,873 **Y (ft):** 1,455,010

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water (ac-ft per annum): 0.574

WELL

Map Label: 8B-1-W07

OSE File No: G 2006

Priority Date: 1/4/1961

Purpose of Use: NON 72-12-1 LIVESTOCK WATERING

Well Location: As shown on Hydrographic Survey Map 8B-1

S. 1 T. 09N R. 14W 1/4, 1/16, 1/64: NE SW NW

X (ft): 2,593,627 **Y (ft):** 1,470,603

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water (ac-ft per annum): 0.574

WELL

Map Label: 8B-2-W01

OSE File No: G 0751

Priority Date: 10/4/1996

Purpose of Use: 72-12-1 DOMESTIC ONE HOUSEHOLD

Well Location: As shown on Hydrographic Survey Map 8B-2

S. 31 T. 09N R. 13W 1/4, 1/16, 1/64: SE SE SE

X (ft): 2,600,898 **Y (ft):** 1,440,977

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water (ac-ft per annum): Historical beneficial use not to exceed 0.7
acre-feet per annum;

WELL


Map Label: 8B-2-W03
OSE File No: G 2008
Priority Date: 8/1/1978
Purpose of Use: NON 72-12-1 LIVESTOCK WATERING

Well Location: As shown on Hydrographic Survey Map 8B-2
S. 29 T. 09N R. 13W 1/4, 1/16, 1/64: SE SW NW
X (ft): 2,603,858 **Y (ft):** 1,446,586
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water (ac-ft per annum): 0.574

WHEREFORE IT IS HEREBY ORDERED AND ADJUDGED that the water rights of each defendant named above are as set forth herein, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS FURTHER ORDERED that each defendant named herein, and his or her successors, representatives, heirs and assigns, are HEREBY ENJOINED from any diversion or use of the waters of the Zuni River Stream System, except in strict accordance with this order or other orders of this Court in this civil action.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:

Vickie L. Gabin

VICKIE L. GABIN
SPECIAL MASTER